

HOUSE BILL 1400

J2

2lr3264

By: **Delegates Smigiel and Hammen**

Introduced and read first time: February 24, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Exceptions from Licensing – Physicians**
3 **Authorized to Practice Medicine by Another State**

4 FOR the purpose of expanding a certain exception from licensing by the State Board of
5 Physicians to include a physician who resides in and is authorized to practice
6 medicine by any other state, instead of an adjoining state, and who meets
7 certain other requirements; establishing an exception from licensing by the
8 Board for a physician who resides in and is authorized to practice medicine in
9 another state and who provides medical services by telemedicine to a certain
10 patient while the physician is in this State; defining a certain term; making
11 certain conforming changes; and generally relating to exceptions from licensing
12 by the State Board of Physicians.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 14–302
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

21 14–302.

22 **(A) (1) IN THIS SECTION, “TELEMEDICINE” MEANS THE USE OF**
23 **INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR**
24 **ELECTRONIC TECHNOLOGY BY A PHYSICIAN IN THE PRACTICE OF MEDICINE**
25 **OUTSIDE THE PHYSICAL PRESENCE OF THE PATIENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “TELEMEDICINE” DOES NOT INCLUDE:**

2 **(I) AN AUDIO-ONLY TELEPHONE CONVERSATION BETWEEN**
3 **A PHYSICIAN AND A PATIENT;**

4 **(II) AN ELECTRONIC MAIL MESSAGE BETWEEN A PHYSICIAN**
5 **AND A PATIENT; OR**

6 **(III) A FACSIMILE TRANSMISSION BETWEEN A PHYSICIAN**
7 **AND A PATIENT.**

8 **(B)** Subject to the rules, regulations, and orders of the Board, the following
9 individuals may practice medicine without a license:

10 (1) A medical student or an individual in a postgraduate medical
11 training program that is approved by the Board, while doing the assigned duties at
12 any office of a licensed physician, hospital, clinic, or similar facility;

13 (2) A physician licensed by and residing in another jurisdiction, while
14 engaging in consultation with a physician licensed in this State;

15 (3) A physician employed in the service of the federal government
16 while performing the duties incident to that employment;

17 (4) A physician who resides in and is authorized to practice medicine
18 by [any state adjoining this State and whose practice extends into this State,]
19 **ANOTHER STATE, if:**

20 (i) **1. THE PHYSICIAN’S PRACTICE EXTENDS INTO THIS**
21 **STATE;**

22 **2.** The physician does not have an office or other
23 regularly appointed place in this State to meet patients; and

24 **[(ii)] 3.** The same privileges are extended to licensed
25 physicians of this State by the [adjoining] state **IN WHICH THE PHYSICIAN IS**
26 **AUTHORIZED TO PRACTICE MEDICINE; OR**

27 **(II) THE PHYSICIAN PROVIDES MEDICAL SERVICES BY**
28 **TELEMEDICINE TO A PATIENT IN THE STATE IN WHICH THE PHYSICIAN IS**
29 **AUTHORIZED TO PRACTICE MEDICINE WHILE THE PHYSICIAN IS IN THIS STATE;**
30 and

1 (5) An individual while under the supervision of a licensed physician
2 who has specialty training in psychiatry, and whose specialty training in psychiatry
3 has been approved by the Board, if the individual submits an application to the Board
4 on or before October 1, 1993, and either:

5 (i) 1. Has a master's degree from an accredited college or
6 university; and

7 2. Has completed a graduate program accepted by the
8 Board in a behavioral science that includes 1,000 hours of supervised clinical
9 psychotherapy experience; or

10 (ii) 1. Has a baccalaureate degree from an accredited college
11 or university; and

12 2. Has 4,000 hours of supervised clinical experience that
13 is approved by the Board.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.